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REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)

226/132

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 5,850,600, granted 12/15/98, and for which a reissue patent is sought on the invention entitled Three Cell Wireless Communication System, the specification of which

☒ is attached hereto.

☐ was filed on _____ as reissue application number ____ / _____ and was amended on _____ (If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.☐ by reason of other errors.

At least one error upon which reissue is based is described as follows:

The attorney failed to appreciate the full scope of the invention and unduly restricted the invention by requiring that base stations in adjacent cells must each be assigned different frequencies for communication, and that user stations within adjacent cells have to also be assigned different frequencies for communication. The possibility of this error was first discovered after payment of the issue fee, but the attorney did not fully appreciate the proper scope of the invention until after conducting an investigation which was not completed until after the patent issued.

[Page 1 of 2]

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Express Mail #EL524788042US
Docket No. 226/132
June 14, 2000

(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)
 226/132

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Name(s) Registration Number

Steven D. Hemminger 30,755

Correspondence Address: Direct all communications about the application to:

☐ Customer Number

OR

Type Customer Number here



Place Customer Number Bar
 Code Label here

PATENT TRADEMARK OFFICE

☐ Firm or
 Individual Name

Lyon & Lyon LLP

Address 633 West Fifth Street

Address 47th Floor

City Los Angeles

State

CA

ZIP

90071-2066

Country U.S.A.

Telephone (408) 993-1555

Fax

(408) 287-2664

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)

Robert C. Dixon

Inventor's signature

Residence 14717 Perry Park Drive

Date

4-5-00

Post Office Address Palmer Lake, Colorado 80133

Citizenship

U.S.A.

Full name of second joint inventor (given name, family name)

Inventor's signature

Date

Residence

Citizenship

Post Office Address

Full name of third joint inventor (given name, family name)

Inventor's signature

Date

Residence

Citizenship

Post Office Address

☐ Additional joint inventors are named on separately numbered sheets attached hereto.



2561092
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JUNE 07, 2001

PTAS



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LYON & LYON LLP
STEVEN D. HEMMINGER
633 WEST FIFTH STREET, SUITE 4700
LOS ANGELES, CA 90071-2066

UNITED STATES PATENT AND TRADEMARK OFFICE
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RECORDATION DATE: 03/19/2001

REEL/FRAME: 011638/0753
NUMBER OF PAGES: 3

BRIEF: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
OMNIPOINT TECHNOLOGIES, INC.

DOC DATE: 06/27/2000

ASSIGNEE:
XIRCOM WIRELESS, INC.
1365 GARDEN OF THE GODS ROAD
COLORADO SPRINGS, COLORADO 80907

SERIAL NUMBER: 09595557
PATENT NUMBER:

FILING DATE: 06/14/2000
ISSUE DATE:

MARCUS KIRK, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

RECEIVED
JUN 12 2001
U.S. PROSECUTION

State of Delaware
Office of the Secretary of State

PAGE 1

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "OMNIPPOINT TECHNOLOGIES, INC.", CHANGING ITS NAME FROM "OMNIPPOINT TECHNOLOGIES, INC." TO "XIRCOM WIRELESS, INC." FILED IN THIS OFFICE ON THE TWENTY-SEVENTH DAY OF JUNE, A.D. 2000, AT 9:02 O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



Edward J. Freel, Secretary of State

3023477 8100

001328264

AUTHENTICATION: 0529864

DATE: 06-28-00

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 09:02 AM 06/27/2000
001322264 - 3023477

**CERTIFICATE OF AMENDMENT
OF
CERTIFICATE OF INCORPORATION
OF
OMNIPPOINT TECHNOLOGIES, INC.
(a Delaware corporation)**

The undersigned, Kevin Fille does hereby certify that:

1. He is the Secretary of Omnipoint Technologies, Inc., a Delaware corporation (the "Corporation").

2. The Corporation was incorporated in Delaware under the name Omnipoint Technologies II, Inc., pursuant to a Certificate of Incorporation filed with the Secretary of State of the State of Delaware on March 30, 1999.

3. Pursuant to a written consent adopted by the Board of Directors of the Corporation authorizing such amendment, Article FIRST of the Certificate of Incorporation of the Corporation is hereby deleted in its entirety and the following paragraph shall be inserted in lieu thereof:

"FIRST. Name. The name of the corporation is Xircom Wireless, Inc."

4. The sole stockholder of the Corporation considered and voted unanimously in favor of the amendment.

5. Said amendment was duly adopted in accordance with the provisions of Sections 228 and 242 of the General Corporation Law of the State of Delaware.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Amendment on this 27 day of June, 2000.

OMNIPPOINT TECHNOLOGIES, INC.

By: /s/ Kevin Fille
Kevin Fille
Secretary

POWER OF ATTORNEY

DOCKET INFORMATION
192/270

OMNIPOINT DATA COMPANY, INC.

, assignee(s) of the application for United States

"THREE CELL WIRELESS COMMUNICATION SYSTEM"

Letters Patent for an improvement in _____
(Title)

by ROBERT C. DIXON

(Inventors)

☐ executed on even date herewith, or☒ having Serial No. 07/682,050 filed April 8, 1991

a copy of the assignment of which is attached hereto, do(es) hereby appoint as attorneys of record with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Roland N. Smoot, Reg. No. 18,718; Conrad R. Solum, Jr., Reg. No. 20,467; James W. Geriak, Reg. No. 20,233; Robert M. Taylor, Jr., Reg. No. 19,848; Samuel B. Stone, Reg. No. 19,297; Douglas E. Olson, Reg. No. 22,798; Robert E. Lyon, Reg. No. 24,171; James J. Short, Reg. No. 25,922; Robert C. Weiss, Reg. No. 24,939; William E. Thomson, Jr., Reg. No. 20,719; Richard E. Lyon, Jr., Reg. No. 26,300; John D. McConaghy, Reg. No. 26,773; William C. Steffin, Reg. No. 26,811; Coe A. Bloomberg, Reg. No. 26,605; J. Donald McCarthy, Reg. No. 25,119; John M. Benassi, Reg. No. 27,483; James H. Shalek, Reg. No. 29,749; Allan W. Jansen, Reg. No. 29,395; Robert W. Dickerson, Reg. No. 29,914; Kenneth D'Alessandro, Reg. No. 29,144; Roy L. Anderson, Reg. No. 30,240; David C. Murphy, Reg. No. 31,125; Bradford J. Duft, Reg. No. 32,219; James C. Brooks, Reg. No. 29,898; Jeffrey M. Olson, Reg. No. 30,790; and STEVEN A. SWERNOFSKY _____ Reg. No. 33,040

Send Correspondence to: LYON & LYON

34th Floor, 611 W. Sixth St. Steven A. Swernofsky
Los Angeles, CA 90017 (213) 489-1600 x323

Direct Telephone Calls to:

Steven A. Swernofsky

(213) 489-1600 x323

I, the undersigned, declare that I am the (an) assignee of the above-identified application or, if the assignee is a corporation, partnership or other association, I am authorized to make this appointment on behalf of the assignee and I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of Assignee OMNIPOINT DATA CO., INCORPORATED	
Post Office Address 242 Marlboro Street Boston, MA 02116	
Signature of Declarant or Assignee X <i>Robert C. Dixon</i>	Date X May 30, 1991

Full Name of Assignee	
Post Office Address	
Signature of Assignee	Date

Full Name of Declarant If Other Than Assignee	
Title of Declarant	
Address of Declarant	

A S S I G N M E N T

WHEREAS, ROBERT C. DIXON, a citizen of the United States, having a post office address at 2120 Hollowbrook Dr., Colorado Springs, CO 80918, invented a new and useful invention, titled "THREE CELL WIRELESS COMMUNICATION SYSTEM", for which I have filed application papers for United States Letters Patent thereon, Serial No. 07/682,050, filed April 8, 1991; and

WHEREAS, OMNIPOINT DATA CO., INCORPORATED, a corporation of the United States, having its principal place of business at 242 Marlboro Street, Boston, MA 02116, is desirous of acquiring the exclusive right, title and interest in and to said invention and in and to the Letters Patent to be granted and issued therefor:

NOW, THEREFORE, for a valuable consideration the receipt of which is hereby acknowledged, I, the said inventor do hereby sell, assign, transfer, and set over unto the said OMNIPOINT DATA CO., INCORPORATED, its successors and assigns, the full and exclusive right, title, and interest in and to the said invention, and in and to any and all Letters Patent to be granted and issued therefor, in the United States of America, its territories and possessions, including all priority rights under

1000000715

the International Convention; and I hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said OMNIPOINT DATA CO., INCORPORATED, it's successors and assigns, in accordance with this Assignment.

Executed at Colorado Springs, Colorado,
this 24th day of May, 1991.

By Robert C. Dixon
Robert C. Dixon

REC-571,719A1082

STATE OF ~~CALIFORNIA~~ COLORADO)
COUNTY OF El Paso) ss.

On this 24th day of May, 1991,
before me, a Notary Public, personally appeared ROBERT C. DIXON,
known to me to be the person whose name is subscribed to the
within instrument, and acknowledged that he executed the same.

Anna Marie Liberman
Notary Public in and for said
County and State

RECORDED
PATENT & TRADEMARK OFFICE
JUN 10 91



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

DATE: 08/12/91

TO:

STEVEN A. SWERNOFSKY
611 W. SIXTH ST., 34TH FL.
LOS ANGELES, CA 90017

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ASSIGNOR:
DIXON, ROBERT C.

DOC DATE: 05/24/91

RECORDATION DATE: 06/10/91 NUMBER OF PAGES 003 REEL/FRAME 5747/0080

DIGEST :ASSIGNMENT OF ASSIGNORS INTEREST

ASSIGNEE:

OMNIPOINT DATA CO., INCORPORATED
242 MARLBORO STREET
BOSTON, MASSACHUSETTS 02116

SERIAL NUMBER 7-682050 FILING DATE 04/08/91
PATENT PATENT ISSUE DATE 00/00/00

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AUG 21 1991

U.S. PATENT & TRADEMARK OFFICE

Express Mail #EL524788042US
Docket No. 226/132
June 14, 2000

04-04-2001

SHEET

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

Docket No. 256/092

To the Honorable Commissioner of:

101668574

attached original documents or copy thereof.

1. Name of conveying party(ies):
OMNIPOINT TECHNOLOGIES, INC.
Additional name(s) of conveying party(ies) attached?
☐ Yes ☒ No

3. Nature of conveyance:
☐ Assignment ☐ Merger
☐ Security Agreement ☒ Change of Name
☐ Other _____

Execution Date: June 27, 2000

2. Name and address of receiving party:
Name: XIRCOM WIRELESS, INC.

Internal Address: _____

City: _____ State: _____ Zip: _____

Street Address: 1365 Garden of the Gods RoadCity: Colorado Springs State: CO Zip: 80907Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No(s): 09/595,557

B. Patent No(s): _____

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Steven D. HemmingerInternal Address: LYON & LYON LLP
633 West Fifth Street, Suite 4700
Los Angeles, CA 90071-20666. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41): \$ 40.00☐ Enclosed☒ Charge this Deposit Account if any additional fee is required8. Deposit Account Number: 12-2475

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9. Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Date: 3/16/01

Steven D. Hemminger, Reg No. 30,755

Total number of pages including cover sheet: 3

OMB No. 0651-0011 (exp. 4/94)

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Washington, D.C. 20231

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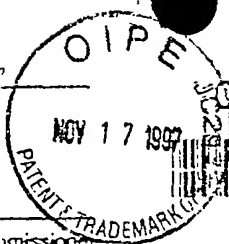
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OMB No. 11-0011 (Rev. 4-94)



08-23-1996
100259327

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Patent and Trademark Office
211/243
Attached original documents or copy thereof.

1. Name of conveying party(ies):
Omnipoint Data Company, Incorporated
Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies)
Name: Omnipoint Corporation
Internal Address: _____
Street Address: _____
1365 Garden of the Gods Road
Colorado
City: Springs State: CO ZIP: 80907
Additional name(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of conveyance:
☐ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☒ Other Change of Name and Address
of Assignee effective July 29, 1993
Execution Date: _____

4. Application number(s) or patent number(s): 08/410,901
If this document is being filed together with a new application, the execution date of the application is: _____
A. Patent Application No.(s) 08/410,901
B. Patent No.(s) _____
Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:
Name: Steven D. Hemminger
Internal Address: LYON & LYON
Street Address: 633 West Fifth Street
Suite 4700
City: Los Angeles State: CA ZIP: 90071

6. Total number of applications and patents involved: 1
7. Total fee (37 CFR 3.41).....\$ 40.00
☒ Enclosed
☒ Authorized to be charged to deposit account
8. Deposit account number:
12-2475
(Attach duplicate copy of this page if paying by deposit account)

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160 DM 08/22/96 08410901 1 581 40.00 CK 40-E

9. Statement and signature.
To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.
Steven D. Hemminger
Name of Person Signing
[Signature]
Signature
August 14, 1996
Date
Total number of pages including cover sheet, attachments, and document: 8



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OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

DECEMBER 01, 1997

PTAS

LYON & LYON
STEVEN D. HEMMINGER
633 WEST FIFTH STREET
SUITE 4700
LOS ANGELES, CA 90071

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RECORDATION DATE: 08/20/1996

REEL/FRAME: 8095/0429
NUMBER OF PAGES: 6

BRIEF: CHANGE OF NAME AND ADDRESS OF ASSIGNEE EFFECTIVE JULY 29, 1993

ASSIGNOR:
OMNIPOINT DATA COMPANY,
INCORPORATED

DOC DATE: 07/29/1993

ASSIGNEE:
OMNIPOINT CORPORATION
1365 GARDEN OF THE GODS ROAD
COLORADO SPRINGS, COLORADO 80907

SERIAL NUMBER: 08410901
PATENT NUMBER: 5640674

FILING DATE: 03/27/1995
ISSUE DATE: 06/17/1997



MARGARET LASALLE, PARALEGAL
ASSIGNMENT DIVISION
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U.S. PROSECUTION

Express Mail #EL524788042US
Docket No. 226/132
June 14, 2000

REISSUE APPLICATION BY THE INVENTOR, OFFER TO SURRENDER PATENT		Docket Number (Optional) 226/132
<p>This is part of the application for a reissue patent based on the original patent identified below.</p> <p>Name of Patentee(s) Robert C. Dixon</p> <p>Patent Number 5,850,600 Date Patent Issued 12/15/1998</p> <p>Title of Invention Three Cell Wireless Communication System</p> <p>I am the inventor of the original patent.</p> <p>I offer to surrender the original patent.</p> <p>1. <input checked="" type="checkbox"/> Filed herein is a certificate under 37 CFR 3.73(b).</p> <p>2. <input type="checkbox"/> Ownership of the patent is in the inventor(s), and no assignment of the patent has been made.</p> <p>One of boxes 1 or 2 above must be checked.</p> <p>The written consent of all assignees owning an undivided interest in the original patent is included in this application for reissue.</p>		
Signature 		Date 4-5-00
Typed or printed name Robert C. Dixon		
The assignee owning an undivided interest in said original patent is <u>Omnipoint Corporation</u> , and the assignee consents to the accompanying application for reissue.		
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this declaration is directed.		
Name of assignee OMNIPOINT CORPORATION		
Signature of person signing for assignee 		Date 5/30/00
Typed or printed name and title of person signing for assignee David A. Miller, Vice President and Assistant Secretary		

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)
Robert C. Dixon) Group Art Unit [Issued Patent]: 2745
U.S. Patent No.: 5,850,600) Examiner [Issued Patent]:
) Banks-Harold, M.
Filed: June 16, 1997)
Issued: December 15, 1998)
For: THREE CELL WIRELESS)
COMMUNICATION SYSTEM)

CONSENT TO THE REISSUE BY THE ASSIGNEE


Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

OMNIPOINT CORPORATION, assignee of U.S. Patent No. 5,850,600, consents to the
filing of the present application for the reissue of U.S. Patent No. 5,850,600.

Dated: ~~April~~ ^{MAY} 30, 2000

By: _____


David A. Miller
Vice President and Assistant Secretary
Omnipoint Corporation